

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
DUARTE,
Defendant.

Case No. [11-cr-00641-BLF-1](#)

**ORDER GRANTING MOTION TO
WITHDRAW AS COUNSEL**

[Re: ECF 115]

Before the Court is a motion by Benjamin W. Williams (“Movant”) to withdraw as counsel for Defendant Melissa Duarte. Mot., ECF 115. Movant represents that on September 5, 2018, he swore an oath of office to become a Court Commissioner for the Santa Clara County Superior Court. *Id.* at 1–2. In his declaration, Movant states that Ms. Duarte and the government do not oppose his withdrawal. *Id.* The decision to permit counsel to withdraw is within the discretion of the trial court. *Young v. Chapman*, No. 11-CV-01083, 2018 WL 679464, at *1 (N.D. Cal. Feb. 1, 2018) (citing *United States v. Carter*, 560 F.3d 1107, 1113 (9th Cir. 2009)). The Court finds that Movant has provided sufficient reasons to justify Movant’s withdrawal as counsel for Ms. Duarte. Movant is no longer able to serve as counsel due to his appointment as a judicial officer. The Court therefore GRANTS Movant’s motion to withdraw as counsel. This Court REFERS this action to Magistrate Judge Susan Van Keulen for a hearing on appointment of counsel on **September 12, 2018 at 1:30 p.m.**

IT IS SO ORDERED.

Dated: September 11, 2018



BETH LABSON FREEMAN
United States District Judge